

CLOSED

**U.S. District Court  
Northern District of Texas (Dallas)  
CIVIL DOCKET FOR CASE #: 3:11-cv-02263-BK**

Stone v. Internal Revenue Service  
Assigned to: Magistrate Judge Renee Harris Toliver  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/01/2011  
Date Terminated: 07/16/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Gerald Stone**

represented by **Gerald Stone**  
4645 O'Connor Ct  
Irving, TX 75062  
469/576-9304  
Fax: 972/717-1899  
PRO SE

V.

**Defendant****Internal Revenue Service**

represented by **Ari David Kunofsky**  
US Department of Justice  
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Washington, DC 20044  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/01/2011	<u>1</u>	New Case Notes: A filing fee has been paid. Magistrate Judge Toliver preliminarily assigned. Case received over counter/electronically. No prior sanctions found. File to Judge Boyle. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge. Clerk to provide copy to plaintiff if not received electronically. (twd) (Entered: 09/02/2011)
09/01/2011	<u>2</u>	COMPLAINT against Internal Revenue Service filed by Gerald Stone. (Filing fee \$350.00; Receipt number 52379) Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas should seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information – Bar Membership</a> (twd) (Entered: 09/02/2011)
09/01/2011	<u>3</u>	Summons issued as to Internal Revenue Service, U.S. Attorney, and U.S. Attorney General. (twd) (Entered: 09/02/2011)
09/02/2011		***Clerk's Notice of delivery: (see NEF for details) Docket No:1. Fri Sep 2 10:19:43 CDT 2011 (crt) (Entered: 09/02/2011)
09/02/2011		Confirmation of receipt of payment from Sagan Services in the amount of \$350.00. Transaction posted on 9/1/2011. Receipt number DS052379 processed by ntaylor. (gr) (Entered: 09/02/2011)
09/09/2011	<u>4</u>	ORDER: By 9/20/2011, the Plaintiff must comply with Rule 3.1(f) so that the court can ensure that recusal is not required in this case. (Ordered by Judge Jane J Boyle on 9/9/2011) (jrb) (Entered: 09/09/2011)

09/09/2011		***Clerk's Notice of delivery: (see NEF for details) Docket No:4. Fri Sep 9 12:14:36 CDT 2011 (crt) (Entered: 09/09/2011)
09/15/2011	<u>5</u>	CERTIFICATE OF INTERESTED PERSONS by Gerald Stone. (mfw) (Entered: 09/16/2011)
09/15/2011	<u>6</u>	AFFIDAVIT of Service for Summons, Complaint served on Internal Revenue Service on 9/12/2011; United States Attorney of the Northern District of Texas served on 9/6/2011; United States Attorney General served on 9/9/2011. (mfw) (Entered: 09/16/2011)
10/03/2011	<u>7</u>	MOTION to Dismiss filed by Internal Revenue Service with Brief/Memorandum in Support. (Attachments: # <u>1</u> Brief in Support of Motion, # <u>2</u> Proposed Order, # <u>3</u> Certificate of Service) (Kunofsky, Ari) (Entered: 10/03/2011)
10/04/2011	<u>8</u>	Notice of Correction of Signature Omission, correcting signature omission in <u>7</u> Motion to Dismiss filed by Internal Revenue Service. (Kunofsky, Ari) (Entered: 10/04/2011)
10/05/2011	<u>9</u>	RESPONSE filed by Gerald Stone re: <u>7</u> MOTION to Dismiss (aaa) (Entered: 10/06/2011)
10/07/2011	<u>10</u>	REPLY filed by Internal Revenue Service re: <u>7</u> MOTION to Dismiss (Attachments: # <u>1</u> Certificate of Service) (Kunofsky, Ari) (Entered: 10/07/2011)
10/24/2011	<u>11</u>	Plaintiff's Rejoinder to Defendant's Motion filed by Gerald Stone re: <u>7</u> MOTION to Dismiss. (ykp) (Entered: 10/26/2011)
12/02/2011	<u>12</u>	ORDER REFERRING MOTION: <u>7</u> Motion to Dismiss filed by Internal Revenue Service referred to Magistrate Judge Renee Harris Toliver. (Ordered by Judge Jane J Boyle on 12/2/2011) (svc) (Entered: 12/02/2011)
12/02/2011		***Clerk's Notice of delivery: (see NEF for details) Docket No:12. Fri Dec 2 16:01:51 CST 2011 (crt) (Entered: 12/02/2011)
01/17/2012	<u>13</u>	FINDINGS, CONCLUSIONS, AND RECOMMENDATION: Defendant's <u>7</u> Motion to Dismiss Plaintiff's claim for declaratory relief should be GRANTED, and Plaintiff's declaratory judgment claim should be DISMISSED WITH PREJUDICE. Defendant should be given 14 days from the date that the Court dismisses Plaintiff's declaratory judgment action to respond to Plaintiff's remaining claims. (Ordered by Magistrate Judge Renee Harris Toliver on 1/17/2012) (skt) (Entered: 01/17/2012)
01/17/2012		***Clerk's Notice of delivery: (see NEF for details) Docket No: 13. Tue Jan 17 15:40:06 CST 2012 (crt) (Entered: 01/17/2012)
02/03/2012	<u>14</u>	ORDER ACCEPTING <u>13</u> FINDINGS, CONCLUSIONS AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE: Defendant's <u>7</u> Motion to Dismiss Plaintiff's claim under the Declaratory Judgment Act is GRANTED, and that claim is DISMISSED WITH PREJUDICE. Defendant has 14 days from the date of this order to respond to Plaintiff's remaining claims. (Ordered by Judge Jane J Boyle on 2/3/2012) (skt) (Entered: 02/03/2012)
02/03/2012		***Clerk's Notice of delivery: (see NEF for details) Docket No:14. Fri Feb 3 16:46:32 CST 2012 (crt) (Entered: 02/03/2012)
02/16/2012	<u>15</u>	ANSWER to <u>2</u> Complaint, filed by Internal Revenue Service. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas should seek admission promptly. Forms and Instructions found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information – Bar Membership</a> . (Kunofsky, Ari) (Entered: 02/16/2012)
02/17/2012	<u>16</u>	STATUS REPORT ORDER: Joint Status Report due by 3/9/2012. (Ordered by Judge Jane J Boyle on 2/17/2012) (skt) (Entered: 02/17/2012)
02/17/2012		***Clerk's Notice of delivery: (see NEF for details) Docket No:16. Fri Feb 17 16:29:33 CST 2012 (crt) (Entered: 02/17/2012)

03/06/2012	<u>17</u>	Joint STATUS REPORT filed by Internal Revenue Service, Gerald Stone. (Kunofsky, Ari) (Entered: 03/06/2012)
03/07/2012	<u>18</u>	CONSENT to Proceed Before a U.S. Magistrate Judge by all parties and Order Reassigning Case. Case reassigned to Magistrate Judge Renee Harris Toliver for all further proceedings. Judge Jane J Boyle no longer assigned to case. (Ordered by Judge Jane J Boyle on 3/7/2012) (twd) (Entered: 03/07/2012)
03/07/2012		***Clerk's Notice of delivery: (see NEF for details) Docket No:18. Wed Mar 7 11:22:40 CST 2012 (crt) (Entered: 03/07/2012)
03/30/2012	<u>19</u>	MOTION for Summary Judgment filed by Internal Revenue Service with Brief/Memorandum in Support. (Attachments: # <u>1</u> Brief in Support, # <u>2</u> Exhibit(s) 101, # <u>3</u> Exhibit(s) 102, # <u>4</u> Proposed Order, # <u>5</u> Certificate of Service) (Kunofsky, Ari) (Entered: 03/30/2012)
04/30/2012	<u>20</u>	ORDER: Plaintiff is ORDERED to respond to Defendant's Motion for Summary Judgment no later than 5/18/2012. (Ordered by Magistrate Judge Renee Harris Toliver on 4/30/2012) (mcrd) (Entered: 05/01/2012)
06/04/2012	<u>22</u>	REPLY filed by Internal Revenue Service re: <u>19</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit(s) 103, Decl. of Karen Skinder, # <u>2</u> Certificate of Service) (Kunofsky, Ari) (Entered: 06/04/2012)
06/14/2012	<u>23</u>	Sur-reply filed by Gerald Stone re: <u>19</u> MOTION for Summary Judgment. (twd) (Entered: 06/14/2012)
07/05/2012	<u>24</u>	Declaration by Gerald Stone. (axm) (Entered: 07/05/2012)
07/16/2012	<u>25</u>	ORDER granting <u>19</u> Motion for Summary Judgment. (Ordered by Magistrate Judge Renee Harris Toliver on 7/16/2012) (mcrd) (Entered: 07/16/2012)
07/16/2012	<u>26</u>	JUDGMENT : Defendant's Motion for Summary Judgment <u>19</u> is GRANTED. There being no additional claims pending, this case is DISMISSED WITH PREJUDICE. (Ordered by Magistrate Judge Renee Harris Toliver on 7/16/2012) (mcrd) (Entered: 07/16/2012)
07/16/2012		***Clerk's Notice of delivery: (see NEF for details) Docket No:25, 26. Mon Jul 16 13:13:09 CDT 2012 (crt) (Entered: 07/16/2012)
07/16/2012		***Clerk's Notice of delivery: (see NEF for details) Docket No:25, 26. Mon Jul 16 13:13:29 CDT 2012 (crt) (Entered: 07/16/2012)